

# 12

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7/20/02

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Date of Deposit: April 26, 2002

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*Tami M. Procopio*  
Tami M. Procopio

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Arthur B. RAITANO et al.

Serial No.: 09/942,052

Filing Date: 28 August 2001

For: NUCLEIC ACIDS AND  
CORRESPONDING PROTEIN  
ENTITLED 85P1B3 USEFUL IN  
TREATMENT AND DETECTION OF  
CANCER

Examiner: To be assigned

Group Art Unit: 1645

**RESPONSE TO NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)**

Assistant Commissioner for Patents  
Washington, D.C. 20231  
Box Missing Parts

Dear Sir:

This is in response to the Notice of Incomplete Reply (Nonprovisional) dated March 8, 2002. The reply period for this response remains as set forth in the Notice to File Missing Parts, mailed September 26, 2001. Applicant submitted a response to the Notice to File Missing Parts, along with a request for a one month extension of time to respond, on December 18, 2001. Accordingly, a petition for extension of time for four months, from December 26, 2001 to April 26, 2002, and required fee are enclosed.

Please enter the following Sequence Listing, amendments and remarks.



PATENT  
Docket No. 511582002800

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*Tami M. Procopio*  
Tami M. Procopio

# 7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Arthur B. RAITANO et al.

Serial No.: 09/942,052

Filing Date: 28 August 2002

For: NUCLEIC ACID AND  
CORRESPONDING PROTEIN  
ENTITLED 8SP1B3 USEFUL IN  
TREATMENT AND DETECTION OF  
CANCER

Examiner: To be assigned

Group Art Unit: 1645

REQUEST FOR CORRECTION OF DRAWINGS

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Enclosed are six (6) substitute sheets of drawings for Figures 1 - 4, and 21A in connection with the above-identified application. In addition, please find enclosed drawings showing the proposed changes in red.

The Figures are amended to include sequence identification numbers which were inadvertently omitted at the time of filing. Applicants respectfully request the entry of these amendments.

In the unlikely event that the transmittal letter is separated from this request and the U.S. Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing to our **Deposit Account No. 03-1952**. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: April 26, 2002

By: Kate H. Murashige  
Kate H. Murashige  
Registration No. (29,959)

Morrison & Foerster LLP  
3811 Valley Centre Drive  
Suite 500  
San Diego, California 92130-2332  
Telephone: (858) 720-5112  
Facsimile: (858) 720-5125



09942052 . 042602

PATENT

#0 Docket No. 511582002800

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Tami M. Procopio

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Arthur B. RAITANO, *et al.*

Serial No.: 09/942,052

Filing Date: 28 August 2001

For: NUCLEIC ACIDS AND CORRESPONDING  
PROTEIN ENTITLED 85P1B3 USEFUL IN  
TREATMENT AND DETECTION OF  
CANCER

Examiner: To Be Assigned

Group Art Unit: 1645

## SUBMISSION OF SUBSTITUTE DRAWINGS

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Attached please find 22 sheet(s) of substitute drawings in connection with the above-identified application.

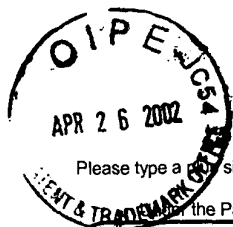
Respectfully submitted,

Dated: April 26, 2002

By:

Kate H. Murashige  
Registration No. 29,959

Morrison & Foerster LLP  
3811 Valley Centre Drive, Suite 500  
San Diego, California 92130-2332  
Telephone: (858) 720-5112  
Facsimile: (858) 720-5125



04-29-02

MP/4

Please type a (+) sign (+) inside this box → ☒

PTO/SB/21 (08-00)

Approved for use through 10/31/02. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number Of Pages In This Submission

Application Number	09/942,052
Filing Date	28 August 2001
First Named Inventor	Arthur B. RAITANO, et al.
Group Art Unit	1645
Examiner Name	To be assigned
Attorney Docket No.	511582002800

**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input checked="" type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input checked="" type="checkbox"/> Affidavits/declarations	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Return Postcard
<input type="checkbox"/> Information Disclosure Statement, PTO Form 1449, References	<input type="checkbox"/> Request for Refund	<input checked="" type="checkbox"/> Submission of Substitute Drawings
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input checked="" type="checkbox"/> CD, Number of CD(s) <u>1</u>	<input checked="" type="checkbox"/> Copy of Notice of Incomplete Reply
<input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	<input checked="" type="checkbox"/> Substitute Specification
<input type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53		<input checked="" type="checkbox"/> Paper Copy of Sequence Listing
		<input checked="" type="checkbox"/> Response to Notice of Incomplete Reply
		<input checked="" type="checkbox"/> Request for Correction of Drawings

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Firm or Individual Name	Kate H. Murashige Reg. No. 29,959 Morrison & Foerster LLP 3811 Valley Centre Drive, Suite 500, San Diego, California 92130
Signature	<i>Kate H. Murashige</i>
Date	April 26, 2002

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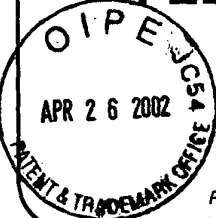
*Tami M. Procopio*  
Tami M. Procopio

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Issue Fee, Washington, DC 20231.

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# FEE TRANSMITTAL FOR FY 2002

APR 26 2002



Patent fees are subject to annual revision.

## Complete if Known

Application Number	09/942,052
Filing Date	28 August 2001
First Named Inventor	Arthur B. RAITANO, et al.
Examiner Name	To be assigned
Group Art Unit	1645
Attorney Docket No.	511582002800

TOTAL AMOUNT OF PAYMENT

(\$ 925.00

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 03-1952  
 Deposit Account Name: Morrison & Foerster LLP

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit Card ☐ Money Order ☐ Other

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$ )

## 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
20** =	x	= \$	
Independent Claims	3** =	x	= \$
Multiple Dependent			= \$

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claims, if not paid
109	84	209	42	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ )

\*\* or number previously paid, if greater; For reissues, see above.

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per properties (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) 5 month extension fee of \$980 less the 1 month extension fee of \$55 paid on December 18, 2001

925

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 925.00

## SUBMITTED BY

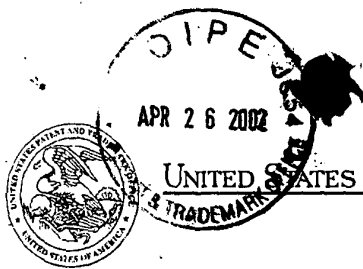
Complete (if applicable)

Name (Print/Type)	Kate H. Murashige	Registration No. (Attorney/Agent)	29,959	Telephone	(858) 720-5112
Signature	<i>Kate H. Murashige</i>	Date	April 26, 2002		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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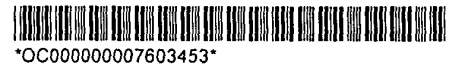
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COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/942,052	08/28/2001	Arthur B. Raitano	511582002800

CONFIRMATION NO. 6518

## FORMALITIES LETTER



\*OC000000007603453\*

Robert K. Cerpa  
Morrison & Foerster LLP  
35th Floor  
555 W. 5th Street  
Los Angeles, CA 90013

Date Mailed: 03/08/2002

## NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

*Filing Date Granted*

The U.S. Patent and Trademark Office has received your reply on 01/18/2002 to the Notice to File Missing Parts (Notice) mailed 09/26/2001 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

The required items noted below SHOULD be filed along with any items required above. The filing date of this nonprovisional application will be the date of receipt of the items required above.

- The signature of the following inventor(s) is missing from the oath or declaration:  
*Arthur B. Raitano & Mary Faris*

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52 because:
  - Papers contain improper margins. *Each sheet must have a left margin of at least 2.5 cm (1") and top, bottom and right margins of at least 2.0 cm (3/4")*
- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

**RECEIVED****MAR 13 2002**

**MORRISON & FOERSTER LLP  
LOS ANGELES**

- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

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*A copy of this notice MUST be returned with the reply.*

*Rf*

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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE